

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

FRIDAY, THE TWENTY FIFTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI DEVINDER GUPTA,THE CHIEF JUSTICE

and

THE HON'BLE MR JUSTICE B.SESHASAYANA REDDY

WRIT APPEAL NO : 487 of 2005

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated
07/12/2004 in WP NO : 22012 OF 2004 on the file of the High Court.)

Between:

Devatha Vijaya, W/o. China Kondaiah,
R/o. Stonehousepet, Nellore. Nellore District.

..... APPELLANT

AND

- 1 The APSRTC, Rep. by its Managing Director Musheerabad, Hyderabad.
- 2 The Regional Manager, APSRTC, Nellore Region, Nellore, Nellore district.

.....RESPONDENT(S)

Counsel for the Appellant:MR.S.V.MUNI REDDY

**Counsel for the Respondents: MR.R.MANMADHA REDDY , S.C. for
A.P.S.R.T.C.**

The Court made the following Oral Judgment: (per Sri Devinder Gupta,CJ)

Appellant-writ petitioner filed the writ petition questioning the proceedings of the Regional Manager, A.P.S.R.T.C., Nellore dated 23.11.2004, by which, he was asked to enter into fresh agreement with the respondent-Corporation within seven days for the extended period of licence from 1.8.2004 to 31.7.2007. The learned single judge dismissed the said writ petition. Aggrieved by it, appellant filed the present appeal.

Facts in brief are that licence was initially granted to the appellant for sale of approved items in the bakery stall as per Circular dated 13.9.2001. On expiry of the period of licence, it was clarified that as the extension of licence of bakery was made on the same terms and conditions, instructions contained in Circular dated 13.9.2001 shall not apply and that the appellant should sell only such items which are approved by the Regional Manager, Nellore and communicated to the appellant through letter dated 14.5.2002 during the extended period of licence from 1.8.2004 to 31.7.2007. Needless to add that the communication dated 14.5.2002 was duly served upon the appellant, which was issued as a result of the directions issued by this Court in Writ Petition No.5424 of 2002, dated 27.3.2002. Of course, appellant was not a party to the said writ petition. But, the decision taken by the respondent-Corporation pursuant to the directions of this Court was communicated to the appellant as far back as on 14.5.2002 and was not challenged by him. Therefore, appellant's contention that he cannot be made to confine to sell only those items, which were communicated in letter dated 14.5.2002, is untenable. Appellant himself adhered to the terms and conditions being imposed by the respondent-Corporation and in case he does not want to adhere to those terms and conditions, nothing prevents the appellant to quit the shop. There cannot be any interference by this Court in such like matters without the action of respondents being illegal and arbitrary.

The writ appeal is accordingly dismissed. No costs.

DEVINDER GUPTA,CJ

DATE: 25th March, 2005

B. SESHASAYANA REDDY,J

Pnb

To

- 1 The Managing Director, APSRTC, Musheerabad, Hyderabad.
- 2 The Regional Manager, APSRTC, Nellore Region, Nellore, Nellore District.
- 3 Two C.D. copies